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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
IAN FURMINGER,
Defendant.

No. 3:14-CR-00102-CRB

**ORDER RE MOTION FOR EXTENSION
OF TIME TO SELF-SURRENDER**

Now before the Court is Ian Furminger's motion for an extension of time to self-surrender. See Mot. (dkt. 265). Furminger currently is scheduled to self-surrender on or before April 3, 2015. On March 24, 2015, Furminger filed a motion in the Court of Appeals for the Ninth Circuit requesting bail pending appeal. See Appellant's Mot. for Bail (dkt. 263). This Court recognizes that Ninth Circuit Rule 9-1.2(e) entitles Furminger to a stay of his surrender date until the Court of Appeals rules on his motion for bail pending appeal. "The operation of the rule, however, is automatic and provides an appellant, who is still released, whether on bond or on his or her own recognizance, with an automatic stay of surrender upon the filing in [the Ninth Circuit] of a motion for bail pending appeal." United States v. Fuentes, 946 F.2d 621, 622 (9th Cir. 1991). This Court does not interfere with the operation of Rule 9-1.2(e). Accordingly, Furminger's motion for an extension of time to self-surrender is DENIED AS MOOT. The hearing on this motion scheduled for

1 April 2, 2015, at 10:00 a.m. is VACATED.

2 **IT IS SO ORDERED.**

3 Dated: March 27, 2015



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE